

SEP 28 2007

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

DANIEL JOSEPH LANG,

Petitioner - Appellant,

v.

J. W. HAMLET,

Respondent - Appellee.

No. 04-16110

D.C. No. CV-02-05606-VRW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Vaughn R. Walker, Chief District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Daniel Joseph Lang, a California state prisoner, appeals from the district court's judgment denying his 28 U.S.C. § 2254 petition. We have jurisdiction pursuant to 28 U.S.C. § 2253. We review de novo a district court's decision to

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

deny a § 2254 petition, *Sass v. Cal. Bd. of Prison Terms*, 461 F.3d 1123, 1126 (9th Cir. 2006), and we affirm.

Lang contends that the California Board of Prison Terms' (the "Board") decision to deem him unsuitable for parole violated his due process rights. We conclude that the Board's decision was supported by some evidence in the record. *See id.* at 1128-29.

To the extent Lang challenges the validity of his guilty plea and asserts related errors, we deny a certificate of appealability with respect to such claims. *See* 28 U.S.C. § 2253(c)(2).

The parties' pending motions are denied.

AFFIRMED.